


INTERNET  
FORM NLRB-501  
(2-08)UNITED STATES OF AMERICA  
NATIONAL LABOR RELATIONS BOARD  
**CHARGE AGAINST EMPLOYER****DO NOT WRITE IN THIS SPACE**Case  
**13-CA-274000**Date Filed  
**3/10/2021****INSTRUCTIONS:**

File an original with NLRB Regional Director for the region in which the alleged unfair labor practice occurred or is occurring.

1. EMPLOYER AGAINST WHOM CHARGE IS BROUGHT	
a. Name of Employer Paragon Systems	b. Tel. No. (865) 266-0383
	c. Cell No.
	f. Fax No.
d. Address (Street, city, state, and ZIP code) 13900 Lincoln Park Drive Suite 300 VA Herndon 20171	e. Employer Representative Laura Hagan Vice President
	g. e-Mail laura.hagan@scisusa.com
	h. Number of workers employed 300
i. Type of Establishment (factory, mine, wholesaler, etc.) Security Systems & Services	j. Identify principal product or service Security
k. The above-named employer has engaged in and is engaging in unfair labor practices within the meaning of section 8(a), subsections (1) and (list subsections) 5 of the National Labor Relations Act, and these unfair labor practices are practices affecting commerce within the meaning of the Act, or these unfair labor practices are unfair practices affecting commerce within the meaning of the Act and the Postal Reorganization Act.	
2. Basis of the Charge (set forth a clear and concise statement of the facts constituting the alleged unfair labor practices)	
--See additional page--	
3. Full name of party filing charge (if labor organization, give full name, including local name and number) Carrie Upshaw Title: President Committee For Fair and Equal Representation (CFER)	
4a. Address (Street and number, city, state, and ZIP code) 16268 Prince Drive IL South Holland 60473	4b. Tel. No. (773) 562-8714
	4c. Cell No.
	4d. Fax No.
	4e. e-Mail cferunion@gmail.com
5. Full name of national or international labor organization of which it is an affiliate or constituent unit (to be filled in when charge is filed by a labor organization)	
6. DECLARATION I declare that I have read the above charge and that the statements are true to the best of my knowledge and belief.	
By  (signature of representative or person making charge)	Carrie Upshaw Title: President (Print/type name and title or office, if any)
16268 Prince Drive Address South Holland IL 60473	Tel. No. (773) 562-8714
	Office, if any, Cell No.
	Fax No.
	e-Mail cferunion@gmail.com
	03/10/2021 07:34:41 PM (date)

**WILLFUL FALSE STATEMENTS ON THIS CHARGE CAN BE PUNISHED BY FINE AND IMPRISONMENT (U.S. CODE, TITLE 18, SECTION 1001)****PRIVACY ACT STATEMENT**

Solicitation of the information on this form is authorized by the National Labor Relations Act (NLRA), 29 U.S.C. § 151 et seq. The principal use of the information is to assist the National Labor Relations Board (NLRB) in processing unfair labor practice and related proceedings or litigation. The routine uses for the information are fully set forth in the Federal Register, 71 Fed. Reg. 74942-43 (Dec. 13, 2006). The NLRB will further explain these uses upon request. Disclosure of this information to the NLRB is voluntary; however, failure to supply the information will cause the NLRB to decline to invoke its processes.

## Basis of the Charge

### 8(a)(5)

Within the previous six months, the Employer failed and refused to bargain in good faith with the union as the collective bargaining representative of its employees by failing to furnish information requested by the union.

Date of request	Employer representative	List items requested	Date refused
(b) (6), (b) (7)/2021	Laura Hagan	Copies of correspondence with FPS	03/04/2021



UNITED STATES GOVERNMENT  
NATIONAL LABOR RELATIONS BOARD

REGION 13  
Dirksen Federal Building  
219 South Dearborn Street, Suite 808  
Chicago, IL 60604-2027

Agency Website: [www.nlr.gov](http://www.nlr.gov)  
Telephone: (312)353-7570  
Fax: (312)886-1341



Download  
NLRB  
Mobile App

March 12, 2021

Laura Hagan, Vice President  
Paragon Systems  
13900 Lincoln Park Drive, Suite 300  
Herndon, VA 20171

Re: Paragon Systems  
Case 13-CA-274000

Dear Ms. Hagan:

Enclosed is a copy of a charge that has been filed in this case. This letter tells you how to contact the Board agent who will be investigating the charge, explains your right to be represented, discusses presenting your evidence, and provides a brief explanation of our procedures, including how to submit documents to the NLRB.

**Investigator:** This charge is being investigated by Field Attorney Lisa Friedheim-Weis whose telephone number is (312)353-7611 and whose email address is [Lisa.Friedheim-Weis@nlrb.gov](mailto:Lisa.Friedheim-Weis@nlrb.gov). If this Board agent is not available, you may contact Supervisory Field Examiner Paul Prokop whose telephone number is (312)353-7171.

**Right to Representation:** You have the right to be represented by an attorney or other representative in any proceeding before us. If you choose to be represented, your representative must notify us in writing of this fact as soon as possible by completing *Form NLRB-4701, Notice of Appearance*. This form is available on our website, [www.nlr.gov](http://www.nlr.gov), or from an NLRB office upon your request.

If you are contacted by someone about representing you in this case, please be assured that no organization or person seeking your business has any "inside knowledge" or favored relationship with the National Labor Relations Board. Their knowledge regarding this proceeding was only obtained through access to information that must be made available to any member of the public under the Freedom of Information Act.

**Presentation of Your Evidence:** We seek prompt resolutions of labor disputes. Therefore, I urge you or your representative to submit a complete written account of the facts and a statement of your position with respect to the allegations set forth in the charge by March 26, 2021. If the Board agent later asks for more evidence, I strongly urge you or your representative to cooperate fully by promptly presenting all evidence relevant to the investigation. In this way, the case can be fully investigated more quickly.

Full and complete cooperation includes providing witnesses to give sworn affidavits to a Board agent and providing all relevant documentary evidence requested by the Board

agent. Sending us your written account of the facts and a statement of your position is not enough to be considered full and complete cooperation. A refusal to fully cooperate during the investigation might cause a case to be litigated unnecessarily.

In addition, either you or your representative must complete the enclosed Commerce Questionnaire to enable us to determine whether the NLRB has jurisdiction over this dispute. If you recently submitted this information in another case, or if you need assistance completing the form, please contact the Board agent.

We will not honor requests to limit our use of position statements or evidence. Specifically, any material you submit may be introduced as evidence at a hearing before an administrative law judge regardless of claims of confidentiality. However, certain evidence produced at a hearing may be protected from public disclosure by demonstrated claims of confidentiality.

Further, the Freedom of Information Act may require that we disclose position statements or evidence in closed cases upon request, unless an exemption applies, such as those protecting confidential financial information or personal privacy interests.

**Preservation of all Potential Evidence:** Please be mindful of your obligation to preserve all relevant documents and electronically stored information (ESI) in this case, and to take all steps necessary to avoid the inadvertent loss of information in your possession, custody or control. Relevant information includes, but is not limited to, paper documents and all ESI (e.g. SMS text messages, electronic documents, emails, and any data created by proprietary software tools) related to the above-captioned case.

**Prohibition on Recording Affidavit Interviews:** It is the policy of the General Counsel to prohibit affiants from recording the interview conducted by Board agents when subscribing Agency affidavits. Such recordings may impede the Agency's ability to safeguard the confidentiality of the affidavit itself, protect the privacy of the affiant and potentially compromise the integrity of the Region's investigation.

**Correspondence:** All documents submitted to the Region regarding your case MUST be filed through the Agency's website, [www.nlr.gov](http://www.nlr.gov). This includes all formal pleadings, briefs, as well as affidavits, documentary evidence, and position statements. The Agency requests all evidence submitted electronically to be in the form it is normally used and maintained in the course of business (i.e., native format). Where evidence submitted electronically is not in native format, it should be submitted in a manner that retains the essential functionality of the native format (i.e., in a machine-readable and searchable electronic format).

If you have questions about the submission of evidence or expect to deliver a large quantity of electronic records, please promptly contact the Board agent investigating the charge. If you cannot e-file your documents, you must provide a statement explaining why you do not have access to the means for filing electronically or why filing electronically would impose an undue burden.

In addition, this Region will be issuing case-related correspondence and documents, including complaints, compliance specifications, dismissal letters, deferral letters, and withdrawal letters, electronically to the email address you provide. Please ensure that you receive important case-related correspondence, please ensure that the Board Agent assigned to your case has your preferred email address. These steps will ensure that you receive correspondence faster and at a significantly lower cost to the taxpayer. If there is some reason you are unable to receive correspondence via email, please contact the agent assigned to your case to discuss the circumstances that prevent you from using email.

Information about the Agency, the procedures we follow in unfair labor practice cases and our customer service standards is available on our website, [www.nlr.gov](http://www.nlr.gov) or from an NLRB office upon your request. *NLRB Form 4541, Investigative Procedures* offers information that is helpful to parties involved in an investigation of an unfair labor practice charge.

We can provide assistance to persons with limited English proficiency or disability. Please let us know if you or any of your witnesses would like such assistance.

Very truly yours,

A handwritten signature in cursive script that reads "Paul Hitterman".

Paul Hitterman  
Acting Regional Director

Enclosures:

1. Copy of Charge
2. Commerce Questionnaire



UNITED STATES GOVERNMENT  
NATIONAL LABOR RELATIONS BOARD

REGION 13  
Dirksen Federal Building  
219 South Dearborn Street, Suite 808  
Chicago, IL 60604-2027

Agency Website: [www.nlr.gov](http://www.nlr.gov)  
Telephone: (312)353-7570  
Fax: (312)886-1341



Download  
NLRB  
Mobile App

March 12, 2021

Carrie Upshaw, President  
Committee For Fair and Equal Representation (CFER)  
16268 Prince Drive  
South Holland, IL 60473

Re: Paragon Systems  
Case 13-CA-274000

Dear Upshaw:

The charge that you filed in this case on March 11, 2021 has been docketed as case number 13-CA-274000. This letter tells you how to contact the Board agent who will be investigating the charge, explains your right to be represented, discusses presenting your evidence, and provides a brief explanation of our procedures, including how to submit documents to the NLRB.

**Investigator:** This charge is being investigated by Field Attorney Lisa Friedheim-Weis whose telephone number is (312)353-7611 and whose email address is [Lisa.Friedheim-Weis@nlrb.gov](mailto:Lisa.Friedheim-Weis@nlrb.gov). If this Board agent is not available, you may contact Supervisory Field Examiner Paul Prokop whose telephone number is (312)353-7171.

**Right to Representation:** You have the right to be represented by an attorney or other representative in any proceeding before us. If you choose to be represented, your representative must notify us in writing of this fact as soon as possible by completing *Form NLRB-4701, Notice of Appearance*. This form is available on our website, [www.nlr.gov](http://www.nlr.gov), or from an NLRB office upon your request.

If you are contacted by someone about representing you in this case, please be assured that no organization or person seeking your business has any "inside knowledge" or favored relationship with the National Labor Relations Board. Their knowledge regarding this proceeding was only obtained through access to information that must be made available to any member of the public under the Freedom of Information Act.

**Presentation of Your Evidence:** As the party who filed the charge in this case, it is your responsibility to meet with the Board agent to provide a sworn affidavit, or provide other witnesses to provide sworn affidavits, and to provide relevant documents within your possession. Because we seek to resolve labor disputes promptly, you should be ready to promptly present your affidavit(s) and other evidence. If you have not yet scheduled a date and time for the Board agent to take your affidavit, please contact the Board agent to schedule the affidavit(s). If you fail to cooperate in promptly presenting your evidence, your charge may be dismissed without investigation.



**Preservation of all Potential Evidence:** Please be mindful of your obligation to preserve all relevant documents and electronically stored information (ESI) in this case, and to take all steps necessary to avoid the inadvertent loss of information in your possession, custody or control. Relevant information includes, but is not limited to, paper documents and all ESI (e.g. SMS text messages, electronic documents, emails, and any data created by proprietary software tools) related to the above-captioned case.

**Prohibition on Recording Affidavit Interviews:** It is the policy of the General Counsel to prohibit affiants from recording the interview conducted by Board agents when subscribing Agency affidavits. Such recordings may impede the Agency's ability to safeguard the confidentiality of the affidavit itself, protect the privacy of the affiant and potentially compromise the integrity of the Region's investigation.

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If you have questions about the submission of evidence or expect to deliver a large quantity of electronic records, please promptly contact the Board agent investigating the charge. If you cannot e-file your documents, you must provide a statement explaining why you do not have access to the means for filing electronically or why filing electronically would impose an undue burden.

In addition, this Region will be issuing case-related correspondence and documents, including complaints, compliance specifications, dismissal letters, deferral letters, and withdrawal letters, electronically to the email address you provide. Please ensure that you receive important case-related correspondence, please ensure that the Board Agent assigned to your case has your preferred email address. These steps will ensure that you receive correspondence faster and at a significantly lower cost to the taxpayer. If there is some reason you are unable to receive correspondence via email, please contact the agent assigned to your case to discuss the circumstances that prevent you from using email.

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We can provide assistance to persons with limited English proficiency or disability.  
Please let us know if you or any of your witnesses would like such assistance.

Very truly yours,

A handwritten signature in cursive script that reads "Paul Hitterman". The ink is dark and the signature is written in a fluid, connected style.

Paul Hitterman  
Regional Director



UNITED STATES OF AMERICA  
NATIONAL LABOR RELATIONS BOARD  
**CHARGE AGAINST EMPLOYER**  
FIRST AMENDED

DO NOT WRITE IN THIS SPACE	
Case 13-CA-274000	Date Filed 6/16/2021

**INSTRUCTIONS:**

File an original with NLRB Regional Director for the region in which the alleged unfair labor practice occurred or is occurring.

**1. EMPLOYER AGAINST WHOM CHARGE IS BROUGHT**

a. Name of Employer Paragon Systems		b. Tel. No. 7032637176
		c. Cell No.
		f. Fax. No.
d. Address (Street, city, state, and ZIP code) 13900 Lincoln Park Drive Suite 300 Herndon, Va. 20171	e. Employer Representative Laura Hagan	g. e mail lhagan@parasys.com
		h. Number of workers employed 300
i. Type of Establishment (factory, mine, wholesaler, etc.) Security	j. Identify principal product or service Security	

The above-named employer has engaged in and is engaging in unfair labor practices within the meaning of section 8(a), subsections (1) and (list subsections) 8(a)(5 Failure to provide information of the National Labor Relations Act, and these unfair labor practices are practices affecting commerce within the meaning of the Act, or these unfair labor practices are practices affecting commerce within the meaning of the Act and the Postal Reorganization Act.

**2. Basis of the Charge (set forth a clear and concise statement of the facts constituting the alleged unfair labor practices)**

failure to provide information since (b) (6), (b) (7)(C) 2021 regarding:  
(b) (6), (b) (7)(C) grievance; Complex relief schedules; Call Logs; and Breaks grievance

**3. Full name of party filing charge (if labor organization, give full name, including local name and number)**  
Committee For Fair and Equal Representation

4a. Address (Street and number, city, state, and ZIP code) 16268 Prince Drive South Holland, IL. 60473	4b. Tel. No. 7735628714
	4c. Cell No.
	4d. Fax No.
	4e. e-mail cferunion@gmail.com

**5. Full name of national or international labor organization of which it is an affiliate or constituent unit (to be filled in when charge is filed by a labor organization)**

**6. DECLARATION**

I declare that I have read the above charge and that the statements are true to the best of my knowledge and belief.

Vice President

(signature of representative or person making charge)

(Print/type name and title or office, if any)

16268 Prince Drive South Holland, IL. 60473

Date 6/16/2021

Address

Tel. No.  
7735628714  
Office, if any, Cell No.  
Fax No.  
e mail  
cferunion@gmail.com

**WILLFUL FALSE STATEMENTS ON THIS CHARGE CAN BE PUNISHED BY FINE AND IMPRISONMENT (U.S. CODE, TITLE 18, SECTION 1001)  
PRIVACY ACT STATEMENT**

Solicitation of the information on this form is authorized by the National Labor Relations Act (NLRA), 29 U.S.C. § 151 et seq. The principal use of the information is to assist the National Labor Relations Board (NLRB) in processing unfair labor practice and related proceedings or litigation. The routine uses for the information are fully set forth in the Federal Register, 71 Fed. Reg. 74942-43 (Dec. 13, 2006). The NLRB will further explain these uses upon request. Disclosure of this information to the NLRB is voluntary; however, failure to supply the information may cause the NLRB to decline to invoke its processes.

**UNITED STATES OF AMERICA  
BEFORE THE NATIONAL LABOR RELATIONS BOARD  
REGION 13**

**PARAGON SYSTEMS, INC.**

**and**

**Case 13-CA-274000**

**COMMITTEE FOR FAIR AND EQUAL  
REPRESENTATION (CFER)**

**COMPLAINT AND NOTICE OF HEARING**

This Complaint and Notice of Hearing is based on a charge filed by the Committee For Fair And Equal Representation (Union). It is issued pursuant to Section 10(b) of the National Labor Relations Act (the Act), 29 U.S.C. § 151 et seq., and Section 102.15 of the Rules and Regulations of the National Labor Relations Board (the Board) and alleges that Paragon Systems, Inc. (Respondent) has violated the Act as described below.

**I.**

(a) The charge in this proceeding was filed by the Union on March 10, 2021 and a copy was served on Respondent by U.S. mail on the same date.

(b) The first amended charge in this proceeding was filed by the Union on June 16, 2021 and a copy was served on Respondent by U.S. mail on June 17, 2021.

**II.**

(a) At all material times, Respondent, a corporation, and with an office and place of business in Herndon, Virginia, as well as in Chicago, Illinois, has been a provider of specialized security, fire, investigations, inspections, cybersecurity, risk management, and mission support services to the U.S. Federal Government and other critical infrastructure clients.

(b) During calendar year ending December 31, 2020, Respondent, in conducting its operations described above in paragraph II (a), performed services in excess of \$50,000 directly outside the State of Illinois.

(c) At all material times, Respondent has been an employer engaged in commerce within the meaning of Section 2(2), (6) and (7) of the Act.

**III.**

At all material times, the Union has been a labor organization within the meaning of Section 2(5) of the Act.

#### IV.

(a) At all material times, Laura Hagan held the position of Respondent's General Counsel and has been an agent of Respondent within the meaning of Section 2(13) of the Act.

(b) At all material times, (b) (6), (b) (7)(C) held the position of Respondent's (b) (6), (b) (7)(C) and has been an agent of Respondent within the meaning of Section 2(13) of the Act.

#### V.

(a) The following employees of Respondent (the Unit) constitute a unit appropriate for the purposes of collective bargaining within the meaning of Section 9(b) of the Act:

All full time and regular part-time security guards assigned by the Employer to the federal buildings in the state of Illinois pursuant to the Employer's Contract No. 70RFP418DE5000001 (the "DHS/FPS Contract") with the U.S. Department of Homeland Security/Federal Protective Service, and its successor(s), for the provision of security services at said facilities, but excluding all managers, supervisors, assistant supervisors, sergeants, lieutenants, captains, office and/or clerical employees, and all other employees of the Employer.

(b) At all material times, the Union has been the designated exclusive collective-bargaining representative of the Unit described above in paragraph V(a) and has been recognized as such by Respondent. This recognition has been embodied successive collective-bargaining agreements, the most recent of which is dated February 1, 2021 through January 31, 2024.

(c) At all material times, based on Section 9(a) of the Act, the Union has been the exclusive collective-bargaining representative of the Unit.

#### VI.

(a) Since about (b) (6), (b) (7)(C) 2021, the Union has requested in writing that Respondent furnish the Union with the following information regarding (b) (6), (b) (7)(C):

- i. Q&A conducted by (b) (6), (b) (7)(C) or (b) (6), (b) (7)(C)
- ii. Copies of emails between FPS and Paragon management regarding (b) (6), (b) (7)(C) alleged misconduct which led to (b) (6), suspension
- iii. Records and documentation from (b) (6), (b) (7)(C) post inspection of (b) (6), (b) (7)(C) on (b) (6), (b) (7)(C)
- iv. All witness statements

(b) Since about (b) (6), (b) (7)(C) 2021, the Union has requested in writing that Respondent furnish the Union with the following information additional information regarding (b) (6), (b) (7)(C) (b) (6), (b) (7)(C) Copies of cell phone records for post phone (773) 502-7633 for the past 4 months of 2020 from August 2020 to December 2020.

(c) The Union has requested in writing that Respondent furnish the Union with the following information regarding complex relief schedules:

- i. Since about February 18, 2021: Complex relief schedules and sheets for 230 South Dearborn, 101 Ida B. Wells and 536 S. Clark, 610 Canal, 844 N Rush and 600 W, N Madison from Jan 1 to Feb 18 for all 3 shifts including weekends
- ii. Since about March 3, 2021: Who was the complex relief scheduled at 77 W Jackson on March 3 at 1400-2400
- iii. Since about March 11, 2021: How many complex are on duty today at 230 South Dearborn, 101 Ida B. Wells and 536 S. Clark

(d) Since about (b) (6), (b) (7)(C), 2021, the Union has requested in writing that Respondent furnish the Union with the following information regarding Call Logs:

- i. Form 139's for 101O, 101A and 101N from (b) (6), (b) (7)(C)
- ii. Form 1103 for 101A from (b) (6), (b) (7)(C)

(e) Since about (b) (6), (b) (7)(C) 2021, the Union has requested in writing that Respondent furnish the Union with the following information about information regarding a breaks violation grievance: Copies of breaker sheets for shifts/posts 101c for the morning, evening and overnight shifts of (b) (6), (b) (7)(C)/2021 and (b) (6), (b) (7)(C)/2021.

(f) The information requested by the Union described above in paragraph VI is necessary for, and relevant to, the Union's performance of its duties as the exclusive collective bargaining representative of the Unit.

(g) Since about (b) (6), (b) (7)(C) 2021, Respondent has failed and refused to furnish the Union with the requested information described above in this paragraph VI.

## VII.

(a) By the conduct described above in paragraph VI(g), Respondent has been failing and refusing to bargain collectively and good faith with the exclusive collective-bargaining representative of its employees in violation of Section 8(a)(1) and (5) of the Act.

(b) The unfair labor practices of Respondent described above affect commerce within the meaning of Section 2(6) and (7) of the Act.

### **ANSWER REQUIREMENT**

Respondent is notified that, pursuant to Sections 102.20 and 102.21 of the Board's Rules and Regulations, it must file an answer to the (consolidated) complaint. The answer must be **received by this office on or before July 1, 2021 or postmarked on or before June 30, 2021.** Respondent should file an original and four copies of the answer with this office and serve a copy of the answer on each of the other parties.

An answer may also be filed electronically through the Agency's website. To file electronically, go to [www.nlr.gov](http://www.nlr.gov), click on **File Case Documents**, enter the NLRB Case Number, and follow the detailed instructions. The responsibility for the receipt and usability of the answer rests exclusively upon the sender. Unless notification on the Agency's website informs users that the Agency's E-Filing system is officially determined to be in technical failure because it is unable to receive documents for a continuous period of more than 2 hours after 12:00 noon (Eastern Time) on the due date for filing, a failure to timely file the answer will not be excused on the basis that the transmission could not be accomplished because the Agency's website was off-line or unavailable for some other reason. The Board's Rules and Regulations require that an answer be signed by counsel or non-attorney representative for represented parties or by the party if not represented. See Section 102.21. If the answer being filed electronically is a pdf document containing the required signature, no paper copies of the answer need to be transmitted to the Regional Office. However, if the electronic version of an answer to a complaint is not a pdf file containing the required signature, then the E-filing rules require that such answer containing the required signature continue to be submitted to the Regional Office by traditional means within three (3) business days after the date of electronic filing. Service of the answer on each of the other parties must still be accomplished by means allowed under the Board's Rules and Regulations. The answer may not be filed by facsimile transmission. If no answer is filed, or if an answer is filed untimely, the Board may find, pursuant to a Motion for Default Judgment, that the allegations in the (consolidated) complaint are true.

## **NOTICE OF HEARING**

PLEASE TAKE NOTICE THAT on **September 20, 2021, at 10:00 am, and on consecutive days thereafter until concluded, in a manner and location to be determined**, a hearing will be conducted before an administrative law judge of the National Labor Relations Board. At the hearing, Respondent and any other party to this proceeding have the right to appear and present testimony regarding the allegations in this (consolidated) complaint. The procedures to be followed at the hearing are described in the attached Form NLRB-4668. The procedure to request a postponement of the hearing is described in the attached Form NLRB-4338.

Dated: June 17, 2011

/s/ **Paul Hitterman**

Paul Hitterman, Acting Regional Director  
National Labor Relations Board  
Region 13  
Dirksen Federal Building  
219 South Dearborn Street, Suite 808  
Chicago, IL 60604-1443

Attachments:

NLRB Form 4338  
NLRB Form 4688



UNITED STATES GOVERNMENT  
NATIONAL LABOR RELATIONS BOARD  
**NOTICE**

Case 13-CA-274000

The issuance of the notice of formal hearing in this case does not mean that the matter cannot be disposed of by agreement of the parties. On the contrary, it is the policy of this office to encourage voluntary adjustments. The examiner or attorney assigned to the case will be pleased to receive and to act promptly upon your suggestions or comments to this end.

An agreement between the parties, approved by the Regional Director, would serve to cancel the hearing. However, unless otherwise specifically ordered, the hearing will be held at the date, hour, and place indicated. Postponements ***will not be granted*** unless good and sufficient grounds are shown ***and*** the following requirements are met:

- (1) The request must be in writing. An original and two copies must be filed with the Regional Director when appropriate under 29 CFR 102.16(a) or with the Division of Judges when appropriate under 29 CFR 102.16(b).
- (2) Grounds must be set forth in ***detail***;
- (3) Alternative dates for any rescheduled hearing must be given;
- (4) The positions of all other parties must be ascertained in advance by the requesting party and set forth in the request; and
- (5) Copies must be simultaneously served on all other parties (listed below), and that fact must be noted on the request.

Except under the most extreme conditions, no request for postponement will be granted during the three days immediately preceding the date of hearing.

Laura Haga, Vice President  
Paragon Systems  
13900 Lincoln Park Drive  
Suite 300  
Herndon, VA 20171  
[laura.hagan@scisusa.com](mailto:laura.hagan@scisusa.com)

Laura Hagan, Vice-President &  
General Counsel  
13655 Dulles Technology Dr  
Ste 100  
Herndon, VA 20171-4634  
[lhagan@parasys.com](mailto:lhagan@parasys.com)

Carrie Upshaw, President  
Committee for Fair and  
Equal Representation (CFER)  
16268 Prince Drive  
South Holland, IL 60473  
[cferunion@gmail.com](mailto:cferunion@gmail.com)

## Procedures in NLRB Unfair Labor Practice Hearings

The attached complaint has scheduled a hearing that will be conducted by an administrative law judge (ALJ) of the National Labor Relations Board who will be an independent, impartial finder of facts and applicable law. **You may be represented at this hearing by an attorney or other representative.** If you are not currently represented by an attorney, and wish to have one represent you at the hearing, you should make such arrangements as soon as possible. A more complete description of the hearing process and the ALJ's role may be found at Sections 102.34, 102.35, and 102.45 of the Board's Rules and Regulations. The Board's Rules and regulations are available at the following link: [www.nlrb.gov/sites/default/files/attachments/basic-page/node-1717/rules\\_and\\_regs\\_part\\_102.pdf](http://www.nlrb.gov/sites/default/files/attachments/basic-page/node-1717/rules_and_regs_part_102.pdf).

The NLRB allows you to file certain documents electronically and you are encouraged to do so because it ensures that your government resources are used efficiently. To e-file go to the NLRB's website at [www.nlrb.gov](http://www.nlrb.gov), click on "e-file documents," enter the 10-digit case number on the complaint (the first number if there is more than one), and follow the prompts. You will receive a confirmation number and an e-mail notification that the documents were successfully filed.

**Although this matter is set for trial, this does not mean that this matter cannot be resolved through a settlement agreement.** The NLRB recognizes that adjustments or settlements consistent with the policies of the National Labor Relations Act reduce government expenditures and promote amity in labor relations and encourages the parties to engage in settlement efforts.

### I. BEFORE THE HEARING

The rules pertaining to the Board's pre-hearing procedures, including rules concerning filing an answer, requesting a postponement, filing other motions, and obtaining subpoenas to compel the attendance of witnesses and production of documents from other parties, may be found at Sections 102.20 through 102.32 of the Board's Rules and Regulations. In addition, you should be aware of the following:

- **Special Needs:** If you or any of the witnesses you wish to have testify at the hearing have special needs and require auxiliary aids to participate in the hearing, you should notify the Regional Director as soon as possible and request the necessary assistance. Assistance will be provided to persons who have handicaps falling within the provisions of Section 504 of the Rehabilitation Act of 1973, as amended, and 29 C.F.R. 100.603.
- **Pre-hearing Conference:** One or more weeks before the hearing, the ALJ may conduct a telephonic prehearing conference with the parties. During the conference, the ALJ will explore whether the case may be settled, discuss the issues to be litigated and any logistical issues related to the hearing, and attempt to resolve or narrow outstanding issues, such as disputes relating to subpoenaed witnesses and documents. This conference is usually not recorded, but during the hearing the ALJ or the parties sometimes refer to discussions at the pre-hearing conference. You do not have to wait until the prehearing conference to meet with the other parties to discuss settling this case or any other issues.

### II. DURING THE HEARING

The rules pertaining to the Board's hearing procedures are found at Sections 102.34 through 102.43 of the Board's Rules and Regulations. Please note in particular the following:

- **Witnesses and Evidence:** At the hearing, you will have the right to call, examine, and cross-examine witnesses and to introduce into the record documents and other evidence.
- **Exhibits:** Each exhibit offered in evidence must be provided in duplicate to the court reporter and a copy of each of each exhibit should be supplied to the ALJ and each party when the exhibit is offered

1 Laura M. Hagan  
2 General Counsel  
3 Paragon Systems, Inc.  
4 13900 Lincoln Park Drive, Suite 300  
5 Herndon, VA 20171  
6 Cell: 865-266-0383  
7 [laura.hagan@parasys.com](mailto:laura.hagan@parasys.com)

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9  
10 BEFORE THE NATIONAL LABOR RELATIONS BOARD  
11 REGION THIRTEEN  
12

13 PARAGON SYSTEMS, INC.

14  
15 and

Case 13-CA-274000

16  
17 COMMITTEE FOR FAIR AND EQUAL  
18 REPRESENTATION  
19

20  
21 **RESPONDENT'S ANSWER TO COMPLAINT**

22 Respondent Paragon Systems, Inc. hereby files this Answer to the Complaint that was  
23 issued by the National Labor Relations Board in the above-referenced matter. In Answer to the  
24 Complaint, Respondent states as follows:  
25

26 1. Respondent lacks sufficient knowledge regarding the truth or falsity of the  
27 allegations in Paragraph 1(a) and 1(b), and on that basis, Respondent denies the allegations in  
28 Paragraph 1(a) and 1(b) of the Complaint.

1           2.       Respondent admits the allegations in Paragraph 2 of the Complaint.

2           3.       Respondent lacks sufficient knowledge regarding the truth or falsity of the  
3 allegations in Paragraph 3 of the Complaint, and on that basis, denies the allegations in Paragraph  
4 3 of the Complaint.

5  
6           4.       Respondent admits the allegations in Paragraph 4 of the Complaint.

7  
8           5.       Respondent admits the allegations in Paragraph 5 of the Complaint.

9  
10          6.       Respondent denies the allegations in Paragraph 6(a) of the Complaint. Respondent  
11 denies the allegations in Paragraph 6(b) of the Complaint. Respondent admits the allegations in  
12 Paragraph 6(c) of the Complaint. Respondent denies the allegations in Paragraph 6(d) of the  
13 Complaint. Respondent denies the allegations in Paragraph 6(e) of the Complaint. Respondent  
14 denies the allegations of Paragraph 6(f) of the Complaint. Respondent denies the allegations of  
15 Paragraph 6(g) of the Complaint.

16  
17          7.       Respondent denies the allegations in Paragraph 7 of the Complaint.

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19                                   **AFFIRMATIVE DEFENSES**

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21          1.       As a first affirmative defense, Respondent asserts that some or all of the purported  
22 information requests at issue in this action were overbroad, unduly burdensome, and neither  
23 necessary for nor relevant to the Union's performance of its duties under the Act.

24          2.       As a second affirmative defense, Respondent asserts that some or all of the  
25 purported information requests at issue in this action were promulgated for an improper purpose –  
26 that is, to unnecessarily burden Respondent and to interfere with Respondent's ability to manage  
27 its business in an ordinary and efficient manner – and were therefore promulgated in bad faith and  
28

1 in violation of the Union's obligations under the Act.

2 3. As a third affirmative defense, Respondent alleges that, assuming, *arguendo*, any  
3 allegation in the Complaint is found to be a violation, it is a de minimis violation of the Act and  
4 without a remedy which would further the purposes of the Act.

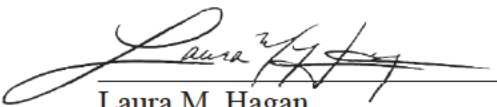
5 4. For and as a fourth affirmative defense, Respondent alleges that any actions taken  
6 by Respondent were taken for lawful and compelling business reasons and in a manner consistent  
7 with Respondent's obligations under the Act.

8 5. For and as a fifth affirmative defense, Respondent asserts that, to the extent the  
9 Complaint contains allegations that are outside the scope of the underlying unfair labor practice  
10 charge, such allegations are barred.

11 6. Respondent reserves the right to assert any additional affirmative defenses it  
12 discovers during the course of these proceedings.

13 WHEREFORE, Respondent respectfully requests that the Administrative Law Judge  
14 dismiss the Complaint in its entirety and grant Respondent all other appropriate relief.

15 Respectfully submitted,

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Laura M. Hagan  
General Counsel  
Paragon Systems, Inc.

September 2, 2021

**CERTIFICATE OF SERVICE**

I am the General Counsel of Paragon Systems, Inc., the Respondent in this action. My business address is 13900 Lincoln Park Drive, Suite 300, Herndon, Virginia 20171. My e-mail address is [laura.hagan@parasys.com](mailto:laura.hagan@parasys.com).

On September 2, 2021, I served upon the interested parties in this action a true and correct copy of Paragon Systems' Answer to Complaint, by emailing the document to:

Committee for Fair and Equal Representation  
[cferunion@gmail.com](mailto:cferunion@gmail.com)

Elizabeth Cortez, NLRB  
[elizabeth.cortez@nrlb.gov](mailto:elizabeth.cortez@nrlb.gov)

I declare under penalty of perjury under the laws of the State of Virginia that the foregoing is true and correct. Executed at Waldorf, Maryland, on the date set forth below.

DATE: September 2, 2021

PARAGON SYSTEMS, INC.

  
LAURA M. HAGAN